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Dated: March 12, 2010

Electronic Signature for Claude F. Purchase: /Claude F. Purchase/

Docket No.: 62620A US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Aleksander J. Pyzik et al.

Application No.: 10/551,727

Confirmation No.: 5798

Filed: October 3, 2005

Art Unit: 1793

For: COMPOSITION FOR MAKING METAL
MATRIX COMPOSITES

Examiner: Unknown

Petition Under 37 C.F.R. § 1.78(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is being mailed, transmitted, or filed electronically and is accompanied by a separate paper amending the specification. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayments, to deposit account number 04-1512.

Petition under 37 C.F.R. § 1.78(a) begins on page 2.

Remarks begin on page 3.

Petition Under 37 C.F.R. § 1.78(a)

Applicants hereby petition the Commissioner for Patents under 37 C.F.R. § 1.78(a) to accept their unintentionally delayed benefit claim under 35 U.S.C. 120 for the benefit of PCT International Patent Application Number PCT/US2004/010837 filed 08 April 2004, and benefit claim under 35 U.S.C. 119(e) from U.S. Provisional Patent Application Number 60/461,642, filed 09 April 2003. The PCT International application is intermediate between the U.S. Provisional and instant applications. The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a) and the date the claim has been filed was unintentional.

Remarks

The pending nonprovisional application is a §371 application from PCT International Patent Application Number PCT/US2004/010837 filed 08 April 2004, which claimed benefit from U.S. Provisional Patent Application Number 60/461,642, filed 09 April 2003. The instant nonprovisional application may not have contained and may not have been amended to contain a reference to the prior filed applications within the later of four months from the date on which the national stage commenced under 35 U.S.C. § 371(b) or (f) or sixteen months from the filing date of the prior-filed provisional application.

As required by 37 C.F.R. § 1.78(a) the aforementioned petition for the priority claim is accompanied by:

- (i) The references required by 35 U.S.C. 119(e) and 120, which references are contained in a separate paper ("Amendment and Reply") submitted concurrently herewith;
- (ii) The surcharge set forth in 37 C.F.R. § 1.17(i); and
- (iii) A statement (previous page) that the entire delay between the date the claim was due and the date the claim has been filed was unintentional.

Dated: March 12, 2010

Respectfully submitted,

Electronic signature: /Claude F. Purchase/
Claude F. Purchase
Registration No.: 47,871
THE DOW CHEMICAL COMPANY
2040 Dow Center
Midland, Michigan 48674
(989) 638-7710